

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Emmitt Dee McCants**

Case Number: **2:18CR00071**

Name of Sentencing Judicial Officer: **Honorable Richard F. Boulware**

Date of Original Sentence: **October 30, 2018**

Original Offense: **Felon is Possession of a Firearm**

Original Sentence: **48 Months probation**

Date of Prior Revocation: **December 10, 2020**

Revocation Sentence: **Time served; 3 years TSR**

Date Supervision Commenced: **February 22, 2020**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Must Report As Instructed** - After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

On December 11, 2020, McCants was instructed by the undersigned officer to return to the United States Marshals Service to remain in custody until December 15, 2020, as ordered by the Court, and to return to the United States Probation Office on December

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15, 2020 to begin residential substance abuse treatment. McCants failed to report on December 15, 2020, and his current whereabouts are unknown.

2. **Live At Approved Place** - You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On December 11, 2020, McCants was instructed by the undersigned officer to return to the United States Marshals Service to remain in custody until December 15, 2020, as ordered by the Court, and to return to the United States Probation Office on December 15, 2020 to begin residential substance abuse treatment. McCants failed to report back to the United States Marshals Service as instructed and failed to report an address he would reside. His current whereabouts are unknown.

3. **Follow Instructions Of Probation Officer** - You must follow the instructions of the probation officer related to the conditions of supervision.

On December 11, 2020, McCants was instructed by the undersigned officer to return to the United States Marshals Service to remain in custody until December 15, 2020, as ordered by the Court, and to return to the United States Probation Office on December 15, 2020 to begin residential substance abuse treatment. McCants failed to return to the United States Marshals Service as instructed and failed to report on December 15, 2020 as instructed.

4. **Substance Abuse Treatment** – You must participate in an inpatient/outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.

On December 11, 2020, McCants was instructed to return to the United States Marshals Service to remain in custody until December 15, 2020, as ordered by the Court, and to return to the United States Probation Office on December 15, 2020 to begin inpatient substance abuse treatment. McCants failed to report on December 15, 2020, to begin inpatient substance abuse treatment as instructed and his current whereabouts are unknown.

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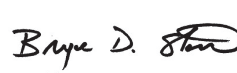
U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked


I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **January 12, 2021**

 Bryce D. Stark
2021.01.13 08:08:37
-08'00'

Bryce D. Stark
United States Probation Officer


Approved:

 2021.01.13
07:14:39 -08'00'

Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:


RICHARD F. BOULWARE, II
U.S. District Judge

January 21, 2021
Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. EMMITT DEE MCCANTS, 2:18CR00071**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
January 12, 2021**

On December 10, 2020, McCants appeared before the Court for a final revocation proceeding from his previous term of probation. The Court revoked his probation and sentenced him to time served with a 3-year term of supervised release to follow. McCants was ordered to remain in custody until December 15, 2020, when a bed would be available at the treatment facility.

On December 11, 2020, McCants was inadvertently released from the custody of the United States Marshals Service and he walked across the street to report to United States Probation. The undersigned officer met with McCants at the front of the Foley Federal Courthouse and explained the situation. McCants was instructed to return to the United States Marshals Service to remain in custody until December 15, 2020, as ordered by the Court, and to return to the United States Probation Office on December 15, 2020 to begin residential substance abuse treatment. He acknowledged that he would comply and was seen walking towards the street crossing to return to the United States Marshals Service. McCants failed to arrive at the United States Marshals Service as instructed on the same date. Attempts were made to contact McCants by the undersigned officer, United States Marshals, and McCants' attorney. McCants reportedly advised his attorney he was going to get food then would return to the United States Marshals office; however, McCants failed to return there as instructed by all parties.

Attempts to locate McCants through the female who attended his revocation hearing have been made; however, the female has indicated to the undersigned officer that she has not had contact with McCants since his revocation date. McCants failed to report on December 15, 2020 as instructed, failed to attend inpatient treatment, and his current whereabouts are unknown.

Because of McCants' unwillingness to abide by directives of the Court, failure to follow instructions of the United States Probation Officer, absconding supervision, and not attending residential substance abuse treatment, it is respectfully recommended that the petition be accepted and that a warrant be issued for McCants' arrest. It is noted that McCants' current whereabouts are unknown.

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Due to his pending state charges, history of drug use, prior criminal history, and failure to present himself for supervision and absconding, it is believed that he is a danger to the community and a flight risk.

Respectfully submitted,

 Bryce D. Stark
2021.01.13 08:11:07
-08'00'

Bryce D. Stark
United States Probation Officer

Approved:

 2021.01.13
07:14:59 -08'00'

Joy Gabonia
Supervisory United States Probation Officer